

REMARKS

New Claim 22 is added. Claims 1, 3-7 and 15-22 are pending. Claims 1 and 15 are amended herein. Support for the claim amendments can be found at least in Figures 1 and 2 of the instant application.

103 Rejections

The instant Office Action states that Claims 1, 3-7 and 15-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi (U.S. Patent Application Publication No. 2003/0141538) in view of Wen et al. ("Wen;" U.S. Patent No 6,143,610), Rodgers (U.S. Patent No. 6,060,739) and Saitoh (U.S. Patent No. 6,060,739). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1, 3-7 and 15-21 is not anticipated nor rendered obvious by Hayashi, Wen, Rodgers and Saitoh, alone or in combination.

Applicants respectfully submit that it is well-established that, if extrinsic reference sources evidence more than one definition for a claim term, then the intrinsic record (e.g., the disclosure of the instant application) must be consulted to identify which of the different possible definitions is most consistent with Applicants' use of the term – where there are several common meanings for a claim term, the Applicants' disclosure serves to point away from the improper meanings and toward the proper meanings. In construing claim terms, the general meanings gleaned from reference sources must always be compared against the use of the terms in context, and the intrinsic record (e.g., the disclosure of the instant application) must always be consulted to identify which of the different possible meanings is most consistent with the use of the words by

the Applicants. The Examiner is respectfully directed to Part II of MPEP § 2111.01

While the instant Office Action discusses the definition of certain terms such as “surrounding,” Applicants respectfully submit that the use of those definitions must be considered in the context of the references in which they appear. In other words, if a term such as “surrounding” has multiple definitions, one must look into the reference to see which definition is to be applied. In Hayashi, for example, the term “surrounding” may be given a certain meaning in view of how it is being applied in Hayashi. However, simply because the term “surrounding” may be used one way in Hayashi, that does not mean that “surrounding” is to be given that definition and used in that way in all other instances.

Applicants respectfully submit that the Examiner has only demonstrated that there is more than one definition for the term “surrounding.” In line with the guidance and requirements summarized above, rather than apply Hayashi’s use of “surrounding” to the claims of the instant application, the disclosure of the instant application must be consulted, in order to determine how the Applicants use the term.

Accordingly, Applicants respectfully direct the Examiner to at least Figure 1 of the instant application, to determine how the term “surrounding,” as well as terms such as “enclosed” and “buried,” are being applied by the Applicants.

Based on the Applicants' disclosure, Applicants respectfully submit that Hayashi does not show or suggest a bit line region enclosed within and surrounded by said silicon substrate as recited in independent Claim 1 and as similarly recited in independent Claim 15. Looking at Figure 2 of Hayashi, for example, the buried bit line 7 is not surrounded by the substrate 1. Instead, the buried bit line 7 of Hayashi is bordered by groove 11 and insulating film 12.

Applicants further submit that Wen, Rodgers and Saitoh do not overcome the shortcomings of Hayashi. Specifically, Applicants respectfully submit that Hayashi, Wen, Rodgers and Saitoh, alone or in combination, do not show or suggest a bit line region enclosed within and surrounded by said silicon substrate as recited in independent Claim 1 and as similarly recited in independent Claim 15.

Accordingly, Applicants respectfully submit that independent Claims 1 and 15 are in condition for allowance. Claims 3-7 are dependent on Claim 1 and recite additional limitations, and Claims 16-21 are dependent on Claim 15 and recite additional limitations. As such, Applicants also respectfully submit that Claims 3-7 and 16-21 are also in condition for allowance as being dependent on allowable base claims. As such, the Applicants respectfully assert that the basis for rejecting Claims 1, 3-7 and 15-21 under 35 U.S.C. § 103(a) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1, 3-7 and 15-21, as well as new Claim 22, overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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